THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.5583 of 2002

Dated: 31.07.2006

Between

Dasari Pushpa, W/o.Dasari Arjun Rao,
R/o .3-10-91/A, Gokhalenagar,
Ramanthapur, Hyderabad.

…Petitioner

And

The Managing Director,
A.P. State Co-operative Housing Societies
Federation Limited, H.No.1-8-1-B/26
Baghlingampally, Hyderabad-44 and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.5583 of 2002

ORDER:

This writ petition is filed seeking *mandamus* declaring that the petitioner is entitled for return of her sale deed No.5640/85, dated 05.12.1985 deposited with the first respondent pertaining to Plot No.3 admeasuring 157 square yards situated at Gokhalenagar, Ramanthapur, Hyderabad, and a consequential direction to the respondents to return the said sale deed.

According to the petitioner, she had availed a house loan of Rs.92,000/- from the first respondent. It is stated that she has paid the instalments to a tune of Rs.1,69,000/- including interest and other charges against Loan Account No.0035/24642 of the second respondent-Society in cash and through cheques dated 01.10.1999 under separate receipts issued by the second respondent-Society. The second respondent-Society has issued a cheque bearing No.005249 dated 30.04.2000 for Rs.56,000/- and a cheque bearing No.696 dated 10.06.2000 for Rs.1,10,800/- in favour of the first respondent federation. In spite of the same, the documents of the petitioner are not being released.

The first respondent filed a counter asserting that its office has been issuing demand notices to the second respondent-Society every half year indicating the dues against all its members including the petitioner. In addition to this, it is stated that in its letter dated 18.12.2001 in response to the petitioner's letter dated 30.11.2001, it was indicated that an amount of Rs.2,54,642.28 paise was outstanding in her name.

The above position indicates that the facts are much in dispute and the matter cannot be adjudicated at this stage. Further, the petitioner has an effective and alternative remedy by way of raising a dispute under Section 61 of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act').

Accordingly, the writ petition is closed leaving liberty to the petitioner to raise the dispute under Section 61 of the Act. No costs.

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C.V. Ramulu, J

Date: 31.07.2006
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